

## REMARKS

Claims 1-10 are now pending in the application. The amendments to the claims contained herein are of equivalent scope as originally filed and, thus, are not narrowing amendments. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

## REJECTION UNDER 35 U.S.C. § 102

The examiner has rejected Claims 1-5 and 7-10 under 35 U.S.C. § 102(b) as being anticipated by Ellis, et. al., (U.S. Pat. No. 5,782,119). This rejection is respectfully traversed.

Applicant notes that a claim is anticipated only if each and every element of the claim is found in a prior art reference. A reference cannot anticipate a claim by simply possessing identically named parts. The parts must have the same structure or otherwise satisfy the claim limitations, and must be understood to function in the same way by one skilled in the art. *Applied Med. Res. Corp. v. United States Surgical Corp.*, 147 F.3d 1374, 1380, 47 USPQ2d 1289, 1293 (Fed. Cir. 1998). Further, a reference that does not suggest its structural suitability for the claimed use, despite not explicitly describing anything inconsistent with that use, is not enough to show anticipation. *Rowe*, 112 F.3d at 480, 42 USPQ2d at 1555.

Upon review of the cited art of record, Applicant respectfully submits that the torsional spring of independent Claims 1 and 7 is not anticipated. While Ellis discloses the use of a “spring clip” (38), the torsional spring of independent Claims 1 and 7 differs from the Ellis spring clip in both structure and function.

With regard to structure, Ellis discloses a U-shaped spring clip. The Ellis spring clip does not include a first arm, a second arm, and a loop portion extending in an arc of at least 180 degrees, as called for by independent Claims 1 and 7. Specifically independent Claims 1 and 7 call for a spring having a first arm engaged with the catch, a second arm extending outwardly from the sleeve and “a loop portion extending in an arc of at least 180 degrees to form a torsional spring between said first and second arms.” This claim element is not disclosed by Ellis.

For purposes of comparison, the portion of the Ellis spring clip that engages with the catch may be considered the first arm, and the portion of the spring clip that extends outside the sleeve may be considered the second arm. However, the Ellis spring clip does not possess “a loop portion extending in an arc of at least 180 degrees to form a torsional spring between said first and second arms.” Moreover, the Ellis spring clip is not a torsional spring, and what may be considered the arms of the Ellis spring clip do not form a loop portion extending in an arc of at least 180 degrees.

Each and every element of Claims 1-10 is not found in Ellis. Ellis does not constitute an anticipating reference where the structure of the Ellis spring clip differs from the structure of the torsional spring of Claims 1-10.

Additionally, the Ellis spring clip does not function in the same way as the torsional spring called for by independent Claims 1 and 7. The function of the Ellis spring clip is to bias the catch in such a way that it “engages a slot in the knob shank and prevents axial movement of the knob relative to the spindle.” Ellis at Col. 1, Ins. 20-24. The Ellis spring clip simply holds the catch in place so that the knob and the spindle

turn together. The catch is then depressed to disassemble the door knob. Ellis at col. 1, Ins. 50-51.

The first arm recited in independent Claims 1 and 7 holds the catch in place, like the Ellis spring clip (38). However, the torsional spring “biases the second arm away from the sleeve” as in Claim 1, and “biases the second arm into engagement with the handle assembly” as in Claim 7. The torsional spring of independent Claims 1 and 7 biases the sleeve against the handle assembly, or operator portion. By biasing the sleeve in this manner, the torsional spring eliminates the play between the sleeve and the attached handle assembly or operation portion. Ellis does not disclose use of the spring clip to eliminate play between the sleeve and the attached handle assembly or operator portion. The function of the Ellis spring clip differs from the function of the torsional spring of independent Claims 1 and 7.

Ellis also does not disclose the use of a support member disposed between the transverse slot and the aperture, as in Claim 4. The support member provides additional support to the torsional spring, as it biases the sleeve against the handle assembly or operator portion.

Thus, the torsional spring of independent Claims 1 and 7 is not disclosed by Ellis. The torsional spring of Claims 1 and 7 differs in both structure and function from the Ellis spring clip. For these reasons, Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection under 35 USC § 102.

### **REJECTION UNDER 35 U.S.C. § 103**

The examiner has rejected Claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Ellis et. al., (U.S. Pat. No. 5,782,119). This rejection is respectfully traversed.

The obviousness rejection is based on the premise that Ellis discloses the invention substantially as claimed, and that Claim 6 changes the size of an article of prior art. Claim 6, which depends on Claim 1, references a torsional spring wherein the first arm of the spring is approximately twice the length of the second arm of the spring. Applicant submits that Claim 6 does not merely change the size of an article of prior art.

As discussed above, the torsional spring of Claim 1, upon which Claim 6 depends, is not disclosed by Ellis. The torsional spring differs from the Ellis spring clip in both structure and function. Ellis does not disclose the use of a torsional spring, with a loop portion extending in an arc of at least 180 degree. Further, Ellis does not disclose the use of a torsional spring to bias the sleeve against the handle assembly to eliminate play between the sleeve and the handle assembly. Claim 6, with reference to the dimensions of the arms of the torsional spring, is not a modification of the size of a prior art article. Claim 6, rather, claims certain dimensions of the torsional spring, which is a novel element of the invention.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection under 35 USC § 103.

### **RESPONSE TO ADDITIONAL CITED REFERENCES**

The examiner cites four additional patent references in the conclusion of the

communication. While the references do not form the basis of any rejection, Applicant has reviewed these references and respectfully submits that none of the four additional references provide the necessary teachings to overcome the deficiencies of Ellis.

**CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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